

DAVE FREUDENTHAL
GOVERNOR

THE STATE



OF WYOMING

STATE CAPITOL
CHEYENNE, WY 82002

Office of the Governor

July 24, 2007

Director Bob Bennett
Wyoming BLM State Director
PO Box 1828
Cheyenne, WY 82003

Via Facsimile: 307-775-6042

Dear Director Bennett:

My office has completed the consistency review of the Proposed Resource Management Plan and the Final Environmental Impact Statement (PRMP/FEIS) for the Casper Bureau of Land Management (BLM) Field Office Planning Area. The review was completed in accordance with 43 C.F.R. § 1610.3-2 which requires the BLM State Director to submit the proposed resource management plan to the governor of the affected state to identify any parts of the proposed plan that are inconsistent with state or local plans, policies or programs and to provide written recommendations for changes to the plan.

Before engaging in the specifics of the review, I would like to share my appreciation for the cooperation the BLM has extended to the State of Wyoming, its agencies and affected local entities in the preparation of the FEIS. I believe that the countless meetings with state and local government representatives has resulted in a plan that satisfies BLM's objectives while maintaining general consistency with state and local plans, policies, and programs. I especially commend your inclusion of state and local agencies in the formation of the implementation plan for the RMP. As both of us know, it is not the words on paper that matter, but the action or inaction in the field that will determine the success of this effort.

During the 60 day governor's consistency review, my office requested that counties, conservation districts, and state agencies identify any inconsistencies between the PRMP/FEIS and existing local or state plans or policies. I am pleased to report that no noteworthy inconsistencies were identified during that review process.

While the Casper RMP process appears to have resulted in a well-balanced document that is generally endorsed by state and local governments and the public, the pending RMPs in Rawlins, Pinedale and Kemmerer do not seem to be following a similar course. Certainly, I am willing to allow these documents to undergo further review and editing before passing final judgment, but state, local and private concerns only seem to mount with the passage of each successive comment period. I hope that our experience with the Casper RMP can be replicated in these admittedly more complex field offices, but we have a lot of work to do.

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While no official inconsistencies were identified in the PRMP/FEIS, I would like to take this opportunity to again mention my continuing concerns with the statutory categorical exclusions authorized under the Energy Policy Act of 2005 Section 390(b)(3).

For nearly five years, my staff and I have been told that land use plans are “30,000 feet looks” at the management of federal lands. Each time we have endeavored to write site-specific management prescriptions into these land use plans, the BLM has admonished the state that these prescriptions are better addressed in the various project level environmental impact statements. Taking your agency at its word, we have deferred our calls for site-specific management until project level analysis is put forward. As a result, these RMPs lack, among other things, site-specific wildlife and wildlife habitat and quantitative air impact analyses. Given the deliberately limited analysis of the land use plans, Section 390(b)(3) and its application of categorical exclusions for drilling at the land use planning level seems wholly inappropriate, especially given the implications for wildlife and air quality – two resources under tremendous pressure in Wyoming.

It is my hope that BLM’s application of these categorical exclusions would not become “the rule” but would instead remain “the exception to the rule.” The “hard look” analysis required under the National Environmental Policy Act, while unwieldy at times, is generally the best course to ensure that development happens in a responsible and orderly fashion. I understand that language has been developed, for inclusion in each RMP, including the Casper RMP, to govern the administration of the categorical exclusions set forth in Section 390(b)(3) of the Energy Policy Act and ensure that appropriate, site-specific analysis is completed. While I remain convinced that the only failsafe way to address my concerns is for Congress to amend the Act to remove the Section 390(b)(3) authorizations, I appreciate your willingness to require administratively imposed cumulative and quantitative analyses, and where necessary, appropriate mitigation.

As noted earlier, I look forward to the continuing active involvement of state and local agencies during the implementation of this plan. It is my sincere hope that the substantial amount of resources that we committed to up-front planning is met with an even greater and more intense focus on implementing the plan and achieving the desired future conditions set forth in the document, including: monitoring, reclamation, mitigation, habitat planning and projects, range improvements, improved recreational access to public lands, enhanced resource development, sensitive species protection, and the like. At the end of the day, I hope that the Casper RMP is not just another dust covered book on federal, state and local bookshelves – as has been our recent experience. The actual achievement of our best intentions, embodied in the goals and objectives in the RMP, must become a fundamental part of the daily operations within the Casper Field Office, leading to the active and scientifically sound management of our public land resources for the benefit of the people of Wyoming.

Thank you once again for the congenial manner in which the Casper Field Office conducted the revision of its land use plan. From Mr. Murkin’s accommodations to the diligence

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of Linda Slone and the various resource specialists, the state is appreciative of the efforts undertaken by your Casper BLM field staff. The final RMP is evidence that if we work together we can accomplish great things. Let us hope that the positive and thorough result from our work in Casper is a harbinger of good things to come.

Best regards,

A handwritten signature in black ink, appearing to read "Dave Freudenthal", with a long horizontal flourish extending to the right.

Dave Freudenthal
Governor

DF:RL:kjh

Cc: Jim Murkin, Casper BLM Field Office (via facsimile (307) 261-7587)